

Minutes of the Maine Real Estate Commission

October 21, 2010

MEMBERS PRESENT

Winfred Stevens, Chair
David Kitchen, Vice-Chair
Earl Black
Jeffrey Mitchell

STAFF PRESENT

Carol Leighton, Director
Karen Bivins, Deputy Director
Julian Harwood, Examiner
Robert Perkins, Assistant Attorney General
Susan Greenlaw, Secretary

MEMBERS ABSENT

Sharon Millett

Location: Central Conference Room

Start: 9:00 a.m.

Adjourn: 11:20 a.m.

Agenda Modifications

A motion was made by David Kitchen and seconded by Earl Black to add the following to the agenda. Unanimous.

- I. Proposed Dismissals
 - a. 2008-REC-4549
 - b. 2008-REC-4897
- II. Proposed Consent Agreements
 - a. 2010-REC-6767

Commission Minutes

Amend page 2 under Proposed Dismissals 2010-REC-6226 to add that David Kitchen recused and left the room. A motion was made by David Kitchen and seconded by Earl Black to approve the minutes of the September 16, 2010 meeting as amended. Unanimous.

Adjudicatory Hearings

The Chair opened the hearing in the matter of Director v. Anthony W. Caner. The Director was present and represented by Assistant Attorney General Robert Perkins. Caner was present and not represented by an attorney. Public deliberations were conducted at the close of the hearing.

A motion was made by Earl Black and seconded by Jeffrey Mitchell to find Caner in violation of 10 M.R.S.A. § 8003(5-A)(A)(4), 32 M.R.S.A. § 13197(3), and Maine Real Estate Commission Rules Chapter 370 Section 10(A). Unanimous.

A motion was made by Jeffrey Mitchell and seconded by Earl Black to order Caner to pay a fine of \$600 within 30 days and that the course “Who Am I and Why Is It Important?” may only be used for the renewal of his license in June 2010. Unanimous.

The Chair opened the hearing in the matter of Director v. Bevin F. Korth. The Director was present and represented by Assistant Attorney General Robert Perkins. Korth was present and not represented by an attorney. Public deliberations were conducted at the close of the hearing.

A motion was made by Earl Black and seconded by Jeffrey Mitchell to find Korth in violation of 10 M.R.S.A. § 8003(5-A)(A)(4) and 32 M.R.S.A. § 13197(1). Unanimous.

A motion was made by David Kitchen and seconded by Jeffrey Mitchell to order Korth to pay a fine of \$500 within 30 days and that the three hours of approved continuing education can only be used for the renewal of her license in June 2010. Unanimous.

The Chair opened the hearing in the matter of Director v. Todd S. Manter. The Director was present and represented by Assistant Attorney General Robert Perkins. Manter was present and not represented by an attorney. Public deliberations were conducted at the close of the hearing.

A motion was made by Earl Black and seconded by Jeffrey Mitchell to find Manter in violation of 10 M.R.S.A. § 8003(5-A)(A)(9). Unanimous.

A motion was made by Jeffrey Mitchell and seconded by David Kitchen to order the immediate revocation of Manter’s associate broker license. Unanimous.

Proposed Consent Agreements

A motion was made by David Kitchen and seconded by Earl Black to accept the Proposed Consent Agreements in case numbers 2010-REC-6631, 2010-REC-6637, 2010-REC-6652, 2010-REC-6671, 2010-REC-6693 and 2010-REC-6767. Unanimous.

Proposed Dismissals

2008-REC-4897: Earl Black recused and left the room. A motion was made by Jeffrey Mitchell and seconded by David Kitchen to accept the Proposed Dismissal as amended. Kitchen, Mitchell, and Stevens voted in the affirmative; none opposed. Motion carried.

A motion was made by Jeffrey Mitchell and seconded by Earl Black to accept the Proposed Dismissals in case numbers 2008-REC-4318, 2008-REC-4549, 2008-REC-4596, 2008-REC-4756, 2008-REC-4796, 2008-REC-4806, and 2008-REC-4944. Unanimous.

Correspondence

No correspondence for review.

Director's Report

The Director reported on some comments received from instructors who have taught the new core course.

Members were updated on the status of L.D. 1608 "An Act to Establish an Office of Administrative Law Judges for Licensing Boards".

Next Scheduled Meeting Date

Thursday, November 18, 2010

The meeting was adjourned at 11:20 a.m.

This report respectfully submitted,

David C. Kitchen
Vice Chair

Carol J. Leighton
Director